

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF ALABAMA**

In re

Case No. 02-81180-WRS  
Chapter 13

BARBARA SMITH,

Debtor

BARBARA SMITH,

Plaintiff

Adv. Pro. No. 02-8029-WRS

v.

HOMES TODAY, ET AL.,

Defendants

**MEMORANDUM DECISION**

This Adversary Proceeding came before the Court for hearing on June 9, 2004, upon the Plaintiff's Motion to Compel answers to interrogatories and production of documents. (Doc. 77). Defendant Steve Stutts was present in person but was not represented by counsel. No appearance was made for Defendant Homes Today.

As Steve Stutts was not represented by counsel, the Court orally advised those present that Steve Stutts is ordered to appear for a deposition which is to take place in the law offices of Charles Ingrum on Wednesday June 16, 2004, at 1:30 p.m. Defendant Steve Stutts shall bring with him any documents in his possession which are responsive to the request for production of documents. (Doc. 69). This deposition shall be given in lieu of written responses to the interrogatories previously served. The Court will retain jurisdiction over this matter to enforce the provisions of this order.

At the June 9, 2004, hearing Defendant Steve Stutts advised that he was no longer employed by Defendant Homes Today and he did not purport to represent him. He advised that Homes Today was operated by his brother Mike Stutts. The Court advised Steve Stutts that Mike Stutts might satisfy the obligation of Homes Today to answer interrogatories by his appearance at the time and place set forth above. The Court has no way of knowing whether Mike Stutts will timely receive this information. By way of a separate order, the Court will grant the motion to compel. In addition, Plaintiff's counsel is awarded attorney's fees pursuant to Rule 7037, Fed. R. Civ. P.

Done this 16th day of June, 2004.

/s/ William R. Sawyer  
United States Bankruptcy Judge

c: Charles M. Ingrum, Attorney for Plaintiff  
Homes Today Inc., Defendant  
Steve Stutts, Defendant